

Remarks

Applicants have canceled claims 1-34 without prejudice or disclaimer, and added new claims 35-68 in order to claim additional embodiments of the elected group. Applicants reserve the right to pursue the canceled subject matter in continuing or divisional applications.

I. Amendments to the Specification and Claims

The first paragraph of the specification has been amended to update the status of U.S. Application No. 09/985,911.

New claims 35-68 find support throughout the specification as filed. For example, support may be found in paragraphs [0081], [0018], [0101]-[0106], [113], [163], [182]-[185], [179]-[180], and [162]. No new matter has been introduced.

II. Election

The Examiner has required an election under 35 U.S.C. § 121 of one of Groups I-VII. The Examiner contends that the inventions or groups of inventions are distinct, each from the other.

In response, Applicants elect the invention of Group III, represented by new claims 35-68, drawn particularly to antibodies specific for the hESF I polypeptide. While Applicants believe new claims 35-68 fall within Group III for election purposes, Applicants point out that new claims 48 and 62 are dependent claims directed to methods of detecting hESF I using the claimed antibodies. Should the Examiner decide to restrict claims 48 and 62 into a separate group from claims 35-47, 49-61, and 63-68, Applicants further elect the group represented by claims 35-47, 49-61, and 63-68. In this event, claims 48 and 62 should be rejoined upon the allowance of claims 37 and 51 in light of M.P.E.P. § 821.04. Applicants reserve the right to file one or more divisional applications directed to non-elected groups.

Conclusion

Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the instant application. The Examiner is invited to call the

undersigned at the phone number provided below if any further action by Applicants would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: January 5, 2006

Respectfully submitted,

By 

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